

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL ACTION NO. 1:19-CR-00114-KDB-DSC**

UNITED STATES OF AMERICA,

v.

HAL H. BROWN JR.,

Defendant.

**CONSENT ORDER FOR
THIRD PARTY PETITION**

THIS MATTER is before the Court by consent of the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina and Petitioner Stephanie Brown, through counsel, pursuant to Fed. R. Crim. P. 32.2(c). The Government and Petitioner have consented to this Consent Order for Third Party Petition as a final adjudication and settlement of all matters between Petitioner and the Government with regard to the following property identified in the Consent Order and Judgment of Forfeiture (Doc. 32) (“the Property”): **the real property at 1629 Olmstead Drive, Asheville, North Carolina, more particularly identified in a North Carolina General Warranty Deed recorded at Buncombe County Deed Book 3787, Pages 327-329.**

The parties have **STIPULATED AND AGREED** and the **COURT FINDS AS FOLLOWS:**

1. Petitioner asserts a spousal interest in the Property and has been a title owner of the Property since prior to the offenses that form the basis of the criminal forfeiture of the Property. The Government contends that the Property was funded entirely, or almost entirely, with fraud proceeds, but, due to the limited duration for which some institutions retain records, cannot entirely

disprove whether Petitioner has a purported interest in the Property. Petitioner has claimed a \$35,000 exemption as to the Property in the bankruptcy proceedings parallel to this criminal action. Petitioner has satisfied 21 U.S.C. § 853(n)(6) to the extent set forth herein.

2. By entering into this Consent Order, Petitioner agrees, upon the sale of the Property, to release and forever discharge her interest in the Property. In exchange for release of Petitioner's interest, the Government agrees, upon sale of the Property by the Government, to pay \$35,000 to Petitioner out of the net proceeds of the sale of the Property. For purposes of this Consent Order, the term, "net proceeds," shall mean any proceeds remaining after the Government has recovered the costs and expenses of maintaining and liquidating the Property, including but not limited to any expenses in paying off debt secured by the Property. In no event shall Petitioner be entitled to payment in excess of the amount identified herein and in no event shall Petitioner be entitled to payment in excess of the net proceeds.

3. The payment to Petitioner shall be in full settlement and satisfaction of all claims by Petitioner to the Property and all claims against the United States resulting from the incidents or circumstances giving rise to this case.

4. Petitioner agrees to consent to any Government motion for final order of forfeiture of the Property. Petitioner understands and agrees that the United States reserves the right to terminate the forfeiture action at any time. Petitioner and the Government agree to execute further documents to convey clear title to the Property to the United States and implement this Consent Order, or to convey the Property to a bona fide purchaser for value, to the extent such action is necessary.

5. The Government and Petitioner waive any rights to further litigate between each other in this forfeiture action to the Property and agree that this Consent Order for Third Party

Petition shall be in full settlement and satisfaction of all claims between Petitioner and the Government in this action to the Property and all claims between Petitioner and the Government resulting from the incidents or circumstances giving rise to the forfeiture of the Property.

6. Unless specifically directed by an order of the Court, Petitioner shall be excused and relieved from further participation in this action.

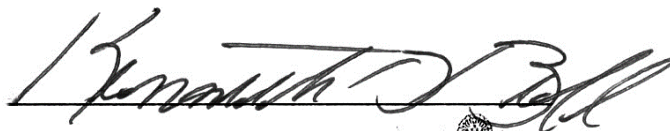
IT IS THEREFORE ORDERED THAT:

1. Based upon the stipulations of the parties herein that Petitioner satisfies one or more prongs of 21 U.S.C. § 853(n)(6), the Petition is granted to the extent set forth herein and the Government shall pay \$35,000 of the net proceeds of sale of the Property to Petitioner. In no event shall the Government be obliged to pay Petitioner an amount in excess of the net proceeds of liquidation of the Property. Further, if so requested by the Government, Petitioner shall cooperate in conveying the Property to a bona fide purchaser for value.

2. The Government and Petitioner shall bear their own costs, including attorneys' fees.

SO ORDERED.

Signed: October 22, 2020



Kenneth D. Bell
United States District Judge

